

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence therein of mites, rodent excreta, and insect eggs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 18, 1946. The B. J. Holmes Sales Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered. It was ordered that the product be released under bond, conditioned that it be inspected, sampled, and analyzed under the supervision of the Food and Drug Administration; that any portion of the product found to be in conformity with the law be released for sale; and that any portion found to be unfit for human consumption be segregated, denatured, and disposed of for use as animal feed.

11376. Adulteration of Swiss cheese. U. S. v. 52 Wheels, etc. (F. D. C. No. 20641. Sample Nos. 45689-H, 45691-H.)

LABEL FILED: August 14, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about July 13, 1946, by the Star Valley Swiss Cheese Assoc., from Thayne and Freedom, Wyo.

PRODUCT: 52 wheels and 30 wheels of Swiss cheese at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 16, 1946. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

11377. Adulteration of Swiss cheese. U. S. v. 105 Wheels, etc. (F. D. C. No. 20657. Sample Nos. 44337-H, 44338-H.)

LABEL FILED: August 16, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about July 17, 1946, by the Upper Snake River Valley Dairymen's Assoc., from Rexburg, Idaho.

PRODUCT: Swiss cheese. 105 wheels labeled "Afton" and 68 wheels labeled "FR" at Los Angeles, Calif. Each cheese weighed about 180 pounds.

LABEL, IN PART: "Afton," or "FR."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 19, 1946. The Star Valley Swiss Cheese Co., Freedom, Wyo., and the Star Valley Swiss Cheese Assoc., Afton, Wyo., having appeared as claimants for the respective lots and having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

CREAM AND MILK

11378. Adulteration of cream. U. S. v. 9 10-Gallon Cans * * * (and 4 other seizure actions). (F. D. C. Nos. 19190, 19191, 19193, 22888. Sample Nos. 26890-H, 26893-H, 26895-H, 47699-H.)

LABEL FILED: October 26, 1945, and February 26, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about October 20 and 21, 1945, and February 20, 1947, by E. M. Cords, from Potter, Nebr.; B. F. Smiley, from Broadwater, Nebr.; Clyde Arnold, from Broken Bow, Nebr.; Klein Produce, from Goodland, Kans.; and the Plettner Brothers, from Friend, Nebr.

PRODUCT: 26 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance. (Examination showed that the cream contained variously, insect eggs, insect parts, house flies, rodent hairs, hairs similar to rodent and cat hairs, feather barbs, material resembling manure, and mold spores.)

DISPOSITION: October 26, 1945, and February 26, 1947. The various consignees having consented, orders for the immediate destruction of the cream were entered.

11379. Adulteration of cream. U. S. v. 6 10-Gallon Cans * * *. (F. D. C. Nos. 20488, 20489. Sample Nos. 48601-H, 48602-H.)

LABEL FILED: September 27, 1945, and June 21, 1946, District of Colorado.

ALLEGED SHIPMENT: June 15, 1946, by Stieben Produce, from Wakeeney, Kans., and Leons Produce, from Colby, Kans.

PRODUCT: 6 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: June 21, 1946. The consignee having consented to the entry of decrees, judgments were entered ordering that the product be destroyed immediately.

11380. Adulteration of canned milk. U. S. v. 311 Cases * * *. (F. D. C. No. 20404. Sample No. 46229-H.)

LABEL FILED: July 17, 1946, Northern District of California.

ALLEGED SHIPMENT: Between the approximate dates of July 31 and August 18, 1945, by the Sego Milk Products Co., from Buhl, Idaho.

PRODUCT: 311 cases, each containing 48 14½-ounce cans, of milk at Sacramento, Calif. Examination showed that the product was sour and decomposed.

LABEL, IN PART: "Pet Homogenized Evaporated Milk."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: On August 26, 1946, the S & S Pie Co., San Francisco, Calif., having appeared as claimant for 232 cases of the product and having consented to the entry of a decree, judgment of condemnation was entered and the 232 cases were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

On September 11, 1946, no claimant having appeared for the remainder of the product, judgment of condemnation was entered and it was ordered destroyed.

EGGS

11381. Adulteration of frozen eggs. U. S. v. Sunny State Distributing Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 20464. Sample No. 26332-H.)

INFORMATION FILED: August 8, 1946, District of New Mexico, against the Sunny State Distributing Co., a partnership, Albuquerque, N. Mex.

ALLEGED SHIPMENT: On or about September 25, 1945, from the State of New Mexico into the State of Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 16, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

11382. Adulteration of frozen eggs. U. S. v. 2 Cans (and 5 other seizure actions). (F. D. C. Nos. 20371, 20590, 20591, 20639, 20694, 20817. Sample Nos. 49473-H, 51432-H, 51530-H, 51537-H, 51538-H, 51542-H, 51543-H.)

LABELS FILED: June 27, July 31, and August 20 and 23, 1946, District of Minnesota, and August 27, 1946, Northern District of Alabama.

ALLEGED SHIPMENT: Between the approximate dates of May 22 and June 26, 1946, by North American Creameries, Inc., from Watertown, S. Dak., and Oakes and Carrington, N. Dak.

PRODUCT: Frozen eggs. 2 cans at Paynesville, Minn., 1,208 cans at Minneapolis, Minn., 55 cans at St. Paul, Minn., and 1,900 cans at Birmingham, Ala. Each can contained 30 pounds of eggs.

LABEL, IN PART: "Arvilla Whole Eggs," "Arvilla Frozen Eggs," or "Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product, with the exception of the Birmingham lot, consisted in whole or in part of a decomposed substance, and it (Birmingham lot) was unfit for food by reason of being musty.